UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/452,285	11/30/1999	BRIAN LO BUE	CISCO-1515	1104

49715 7590 05/04/2005

THELEN REID & PRIEST LLP
CISCO
P.O. BOX 640640
SAN JOSE, CA 95164-0640

EXAMINER	
DINH, KHANH Q	

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/452,285	BUE ET AL.	
	Examiner	Art Unit	
	Khanh Dinh	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,9-24,26,30-32,52,63-85 and 87-91* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,9-24,26,30-32,52,63-85 and 87-91* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the Remarks filed on 7/12/2004. Claim 86 is canceled. Claims 1-4, 9-24, 26, 30-32, 52, 63-85 and 87-91 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4, 9-23, 26, 30-31, 52, 63-85 and 87-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brendel et al., (hereafter Brendel) US pat. No.6,539,494 in view of Lamarque et al., (hereafter Lamarque), U.S. pat. No.6,690,651.

As to claim 1, Brendel discloses a backup server (using load balancer 70 fig.8) for enabling a data communications network to recover from a failure of said local server (56, 51, 52 fig.8), the data communications network including a backup server and a network access server coupling a request placed from a user (client 10 fig.8) to the data communication network, the NAS including a memory, said local server comprising:

an information packet receiver responsive to the local server failure, the information packet receiver (keeping track of requests to network servers) receiving from the memory associated with the NAS an information packet associated with a user request placed by the user via the NAS, wherein the information packet containing call information for maintaining connection of the ongoing call if the local server (one of servers 56, 51, 52 fig.8) fails (see abstract, figs.6, 8, col.9 lines 18-64 and col.10 lines 38-65).

a parser for reconstructing the call information data from said information data from the information data packet, whereby the server maintains the user request to the communications network (see col.11 line 27 to col.12 line 45).

Brendel does not specifically disclose that user placing a request by calling in. However, Lamarque discloses a user placing a request by calling in [using a user (122 fig.1) to initiate a call at a terminal to communicate with the servers and networks, see

fig.1, col.3 line 22 to col.4 line 24]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Lamarque's teachings into the computer system of Brendel to request data information through a network because it would have enabled user to bypass long distance carriers and their permanent usage rates and to run voice traffic over the Internet.

As to claims 2 and 3, Brendel discloses the call information including server attribute having an attribute/value pair that can be parsed into a plurality of separate data entries and a plurality of aggregated data elements from a call attribute table (see fig.12, col.13 lines 18-65 and col.15 lines 11-56).

As to claim 4, Brendel discloses plurality of aggregated data elements of said information packet are separated by said parser for reconstructing said plurality of SSA information data from said information packet table (see fig.12, col.13 lines 18-65 and col.15 lines 11-56).

As to claims 9, Brendel discloses a local server for enabling a data communications network, the data communications network including a backup server and a network access server (NAS) coupling a request placed from a user to the data communication network, the NAS having a memory, said local server comprising:

an encoder for generating an information packet associated with the request, information packet containing request information for maintaining connection of the request fails (see abstract, figs.6, 8, col.9 lines 18-64 and col.10 lines 38-65).

a sender for transmitting the information packet from the encoder to the memory, the information packet being stored in the memory to be available to the backup server if the local server fails (see col.11 line 27 to col.12 line 45).

Brendel does not specifically disclose that user placing a request by calling in. However, Lamarque discloses a user placing a request by calling in (using a user (122 fig.1) to initiate a call at a terminal to communicate with the servers and networks, see fig.1, col.3 line 22 to col.4 line 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Lamarque's teachings into the computer system of Brendel to request data information through a network because it would have enabled user to bypass long distance carriers and their permanent usage rates and to run voice traffic over the Internet.

Claims 10-12 are rejected for the same reasons set forth in claims 2-4 respectively.

As to claims 13 and 17, Brendel discloses a local server for maintaining a request to a data communications network, the network including a backup server and a network access server (NAS) coupling the request to the network, the NAS having a memory associated with the NAS, said local server comprising:

a memory (inherent of a server) associated with the NAS.

an encoder for generating an information packet associated with the request, information packet containing request information for maintaining connection of the request and a sender for transmitting the information packet from the encoder to the memory, the information packet being stored in the memory to be available to the backup server if the local server fails (see abstract, figs.6, 8, col.9 lines 18-64 and col.10 lines 38-65).

a request coupler associated with the NAS for coupling the call to the local server if the local server does not fail, and for coupling to the backup server if the local server fails and a failure detector for determining if a failure of the local server has occurred (see col.11 line 27 to col.12 line 45).

an information packet requester (client's requests) for requesting the information packet from the memory to the backup server if the local server fails and a parser for reconstructing the information packet and serve the request without disconnecting the user from the network (see col.13 lines 18-65).

Brendel does not specifically disclose that user placing a request by calling in. However, Lamarque discloses a user placing a request by calling in [using a user (122 fig.1) to initiate a call at a terminal to communicate with the servers and networks, see fig.1, col.3 line 22 to col.4 line 24]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Lamarque's teachings into the computer system of Brendel to request data information through a network because it would have enabled user to bypass long distance carriers and their permanent usage rates and to run voice traffic over the Internet.

Claims 14-16 are rejected for the same reasons set forth in claims 2-4 respectively. Claims 18 and 19 are rejected for the same reasons set forth in claims 2 and 3 respectively.

Claim 20 is rejected for the same reasons set forth in claim 13. As to the added limitations, Brendel discloses a backup server connected to the network to service the call (see fig.8, col.9 lines 18-64 and col.10 lines 38-65).

Claims 21-23 are rejected for the same reasons set forth in claims 2-4 respectively. Claim 26 is rejected for the same reasons set forth in claim 2.

As to claim 30, Brendel discloses a server backup system for maintaining a request placed by a user to a network, the network and a failure detector connected to the network for determining whether said server access failure has occurred, said memory and said failure detector both associated with a network access server (NAS) that is connected to said network, said system comprising:

an encoder for generating an information packet associated with the request placed by a user via the NAS, information packet containing request information for maintaining connection of the request if the local server fails (see col.11 line 27 to col.12 line 45).

a sender for transmitting the information packet from said encoder to the memory associated with the NAS, the memory storing the information packet (see col.11 line 27 to col.12 line 45).

an information packet requester (client's requests) for requesting the information packet from the memory to the backup server if the local server fails and a parser for reconstructing the information packet (see col.13 lines 18-65).

Brendel does not specifically disclose that user placing a request by calling in. However, Lamarque discloses a user placing a request by calling in (using a user (122 fig.1) to initiate a call at a terminal to communicate with the servers and networks, see fig.1, col.3 line 22 to col.4 line 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Lamarque's teachings into the computer system of Brendel to request data information through a network because it would have enabled user to bypass long distance carriers and their permanent usage rates and to run voice traffic over the Internet.

As to claim 31, Brendel discloses a data caller responsive to the failure detector for detecting the failure of the second server (see col.11 line 27 to col.12 line 45).

As to claim 52, Brendel further discloses said sender transmits the information packet in response to a request from the backup server (see col.11 line 27 to col.12 line 45).

Claims 63 and 64 are rejected for the same reasons set forth in claims 13 and 2 respectively.

As to claims 65, Brendel further discloses petitioning to the NAS for the information packet after the NAS requests the request information and sending the request information to the NAS after completing reconstructing (see fig.8, col.9 lines 18-64 and col.10 lines 38-65).

Claim 66 is rejected for the same reasons set forth in claim 9.

As to claims 67 and 75, Brendel further discloses encoding a plurality of aggregated data elements from a call attribute table representing the SSA data and delimiting information packet into an attribute data string and a value data string (see fig.8, col.9 lines 18-64 and col.10 lines 38-65).

Claims 68-74 are rejected for the same reasons set forth in claims 13, 17, 2, 1, 2, 65 and 9 respectively.

Claims 76-79 are rejected for the same reasons set forth in claims 17, 2, 1 and 2 respectively.

Claims 80-84 are rejected for the same reasons set forth in claims 65, 9, 2, 17 and 2 respectively.

As to claims 85, 87-91, Brendel further discloses at least one of: Dialed Number Information Service, call type, calling Line Identification and service accounting information (see fig.8, col.9 lines 18-64 and col.10 lines 38-65).

4. Claims 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brendel and Lamarque as applied to claims 20-23 and 30-31 above, and further in view of Cisco System (hereafter Cisco), Network Wide Solution Manages Providers to Maximize Revenue from Dial VPN, April 5, 1999.

Neither Brendel nor Lamarque discloses using a Resource Pool Manager Server. However, Cisco discloses a Resource Pool Manager Server (see page 1). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement a Resource Pool Manager Server in the computer system of Brendel to enhance the functionality of access servers because it would have provided Internet Service Providers and Telecommunications carriers with a robust solution for managing concurrent dial network services across single or multiple network access servers.

Response to Arguments

5. Applicant's arguments with respect to claims 1-4, 9-24, 26, 30-32, 52, 63-85 and 87-91 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Claims *1-4, 9-24, 26, 30-32, 52, 63-85 and 87-91* are rejected.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (703) 872-9306.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to response within the period for response will cause the application to become abandoned (35 U. S. C . Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh

Khanh Dinh
Patent Examiner
Art Unit 2151
4/29/2005